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DA 04-1709

June 14, 2004

COMMENTS INVITED ON APPLICATION OF TIME WARNER RESCOM OF NEW YORK, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 04-229
Comp. Pol. File No. 686

Comments Due: June 28, 2004

Section 214 Application

Applicant: Time Warner ResCom of New York, LLC

On May 25, 2004, Time Warner ResCom of New York, LLC (Time Warner ResCom or Applicant), located at 290 Harbor Drive, Stamford, Connecticut 06902, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain U.S. domestic circuit-switched local exchange toll services in the Rochester, New York area.

Time Warner ResCom indicates that it seeks to discontinue the provision of certain circuit-switched local exchange toll services in the Rochester, New York area, affecting approximately 3000 customers. Time Warner ResCom states that it plans to discontinue these services as of July 15, 2004, but that it also plans to offer alternative packet-switched services. The application indicates that, on April 14, 2004, Time Warner ResCom sent a letter informing its customers of its new packet-switched offer and providing the names of other local service providers offering service in the area. The application further indicates that on May 14, 2004, Time Warner ResCom notified its customers of the planned discontinuance in conformance with section 63.71(a) of the Commission's rules. Time Warner ResCom states that it is a non-dominant carrier with respect to the services it seeks to discontinue.

In accordance with section 63.71(c) of the Commission's rules, the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified the Applicant that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Time Warner ResCom may not terminate service until July 15, 2004. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers

or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **June 28, 2004**. Such comments should refer to **WC Docket No. 04-229 and Comp. Pol. File No. 686**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone 1(800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via e-mail at www.bcpweb.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **carmell.weathers@fcc.gov**, or Denise Coca, (202) 418-0574 (voice), **denise.coca@fcc.gov**, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit **http://www.fcc.gov/wcb/cpd/other_adjud**.

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